

U.S. DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

MICHAEL BAEZ

MICHAEL MALONEY, ET. AL.

CA. # 05-11045-GAO

PLAINTIFF'S MOTION TO
COMPEL PRODUCTION OF
DOCUMENTS

FILED
CLERKS OFFICE
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
NOV 24 P 1:52 PM

Now comes the plaintiff, Michael Baez
on the above entitled hearing pursuant
to F.R.Civ.P. 34, requesting that this
honorable court order the defendants to
provide him with the listed documents
herein within a 30 day period so
that he may proceed with his discovery.

Defendants have failed to respond to
his (plaintiff's) request dated 8-23-06 (see
attached).

1. Any & all policies & CMR's relating
to forced moves.
2. All staff incident reports
written in regards to the forced
extraction of plaintiff on 6-26-02.

3. Copy of THE SPECIAL MANAGEMENT UNIT'S RULES & REGULATIONS.

4. Copy of ALL PHOTOGRAPHS TAKEN BY TPS PERTAINING TO THE INCIDENT ON 6-26-02, TO INCLUDE PHOTOGRAPHS OF PLAINTIFF, HIS CELL AND THE UNIT.

5. Copy of INVENTORY LIST OF ITEMS REMOVED FROM PLAINTIFF'S CELL DURING AND AFTER THIS EXTRACTION.

6. Copy of ALL TPS INTERVIEWS OF INMATES INCLUDING PLAINTIFF & INFORMANTS.

7. Copy of PLAINTIFF'S COMPLETE MEDICAL RECORD.

8. Copy of ALL VIDEO & AUDIO TAKEN/RECORDED DURING & AFTER EXTRACTION ON PLAINTIFF ON 6-26-02.

9. Copy of ALL PERSONAL STAFF'S AND MEDICAL STAFF'S NAMES, RANKS, BACKGROUNDS, TRAINING & ALL OTHER INFORMATION ON STAFF PRESENT DURING & AFTER THIS EXTRACTION TO INCLUDE PERSONAL INFORMATION.

10. Copy of all Defendants

Complete Personal/Professional file
in regards to them being disciplined,
reprimanded & investigated for past
allegations of abuse upon inmates and
for this incident (please include
results)

11. Copy of results of internal

investigation done in regards to
this incident which was ordered by
presentment warden Susan Greta
on 6-7-04 (see attachment #2).

Especially supplemental;

Michael Baez#WB9027

120 Box 100
S. Walpole, MA

02071-0100

Date: 11/21/06

Certificate of Service

I, Michael Baez, hereby certify
on this 21st day of May, I have served
upon D.C. Counsel Margaret Melville a
copy of the foregoing by 1st class
mail.

Michael Baez wa027
P.O. Box 10
St. Walpole, MA
02071-0100

MARGARET McWELLER
GENERAL COUNSEL
FEDERAL BUREAU OF INVESTIGATION
BOSTON, MASSACHUSETTS

Re: Plaintiff
DARE v. MCNAUL, et al. et al.
USDC CG-05-1045

8/23/06

Dear Mr. McWeller:

This is a request for discovery pursuant to the Civil Discovery Rule.

I understand that due to the numerous amounts of mail incoming to and out of the institution that same is capable of being lost inadvertently. Therefore I am requesting my original request for discovery. Please know

Please provide the following answers to you written 20 days of receipt:

1. Any & all folios & (MRS)
Relating to fixed wives.

2. All staff incident reports
written in reference to the alleged
extraction of Plaintiff on 4-26-02.

3. Copy of the Special Management Unit's Rules & Regulations.

4. Copy of All photographs taken by TPS personnel to the Plaintiff (before extraction) on 6-26-02, to include photographs of Plaintiff, his cell and the Unit.

5. Copy of inventory list of items removed from Plaintiff's cell during and after TPS extraction.

6. Copy of All TPS interviews of TPS officers, inmates Plaintiff, and informants.

7. Copy of Plaintiff's complete medical records.

8. Copy of all video & audio taken/received before & after extraction on Plaintiff on 6-26-02

9. Copy of All personal staffs and medical staffs names, records, backgrounds, training & all other information on staff present during & after ...

THIS EXTRACCTION. (INCLUDE FEDERAL INFORMATION)

10. Copy of All Defendants' Complete Internal/Professional file in regards to their Being Disciplined, Recommended for INVESTIGATED for past allegations of abuse upon inmates and for THE INCIDENT (please include results)

11. Copy of Results of INTERNAL INVESTIGATION done in regards to THIS INCIDENT which was updated by PRESENTMENT (Officer Susan Graetz) from THE ATTORNEY GENERAL'S OFFICE ON June 7th, 2004.

Thank you for your time and assistance in this request.

Respectfully,

Michael Breznickoff
P.O. Box 100
So. Walpole, MA
01071-000

CERTIFICATE OF SERVICE

I, Michael Baer, hereby certify
on this 23 day of August, I have
served upon. [REDACTED] Counsel McElwee &
true copy of the following by 1st
class mail.

Michael Baer ^{W64027}
P.O. Box 100
S.S. Waldorf, MD
20701-000



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1598

THOMAS F. REILLY
 ATTORNEY GENERAL

(617) 727-2200
www.ago.state.ma.us

June 7, 2004

Nancy A. White
 General Counsel
Department of Correction
 70 Franklin Street, Suite 600
 Boston, Massachusetts 02110-1300

| | | |
|------------|----------------------------------|------------------------|
| Re: | Claim of: | Michael Baez (W-69027) |
| | Presentment Letter Dated: | May 6, 2004 |
| | Date Of Incident: | June 26, 2002 |

Dear Attorney White:

I am enclosing the presentment letter referenced above which we received in this Office on May 10, 2004.

Would you please investigate this claim and notice this Office of the results in accordance with the Attorney General's Presentment Procedures for Agencies of the Commonwealth. (June 30, 2001). Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that appears to read "Susan Gaeta".

Susan Gaeta
 Presentment Coordinator
 (617) 727-2200 x 3343

Enclosures
 cc: Michael Baez

